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Customer Number

Patent
Case No.: 59090US004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: WIGHTMAN, PAUL D.
Application No.: 10/821319 Confirmation No.: 9707
Filed: April 9, 2004
Title: DELIVERY OF IMMUNE RESPONSE MODIFIER COMPOUNDS USING
METAL-CONTAINING PARTICULATE SUPPORT MATERIALS

TERMINAL DISCLAIMER UNDER 37 CFR § 1.321

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]	
I hereby certify that this correspondence is being:	
<input type="checkbox"/>	deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
<input type="checkbox"/>	transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at 571-273-8300.
<input checked="" type="checkbox"/>	transmitted to United States Patent and Trademark Office on the date shown below via the Office electronic filing system.
March 15, 2010	/Joyce M. Courtney/
Date	Signed by: Joyce M. Courtney

Dear Sir:

Petitioner, 3M Innovative Properties Company, a corporation of the State of Delaware having a place of business at 3M Center, St. Paul, MN, represents that it is the exclusive owner of the entire interest in the above-identified application (the "Subject Application") by virtue of an assignment recorded at Reel 15207, Frame 908/10, on April 9, 2004. Petitioner further represents that it is the exclusive owner of the entire interest in a pending second Application No. 10/821,330, filed April 9, 2004, (the "Second Application") by virtue of an assignment recorded at Reel 16573, Frame 308/09, on May 16, 2005.

Petitioner disclaims the terminal part of the statutory term of any patent granted on the Subject Application that would extend beyond the expiration date of the full statutory term of any patent granted on the Second Application, as such statutory term is defined in 35 USC §§ 154 to 156 and 173, and as the statutory term of any patent granted on the Second Application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the Second Application. Petitioner hereby agrees that any patent granted on the Subject Application shall be

enforceable only for and during such period that any patent granted on the Subject Application and any patent granted on the Second Application are commonly owned. This agreement is to run with any patent granted on the Subject Application and shall be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the Subject Application that would extend to the expiration date of the full statutory term as defined in 35 USC §§ 154 to 156 and 173 of any patent granted on the Second Application, as shortened by any terminal disclaimer filed prior to the grant of such patent granted on the Second Application, in the event that such patent granted on the Second Application: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable or is found invalid by a court of competent jurisdiction; (3) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321 after grant; (4) has all claims canceled by a reexamination certificate; (5) is reissued; or (6) is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

I declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 CFR § 1001 and that such willful false statements may jeopardize the validity of the Subject Application or any patent issuing thereon.

Fees

- ☒ Any required fee under 37 CFR § 1.20(d) will be made at the time of submission via EFS-Web. In the event fees are not or cannot be paid at the time of EFS-Web submission, please charge any fees under 37 CFR § 1.20(d) which may be required to Deposit Account No. 13-3723.
- ☐ Please charge any fees under 37 CFR §§ 1.20(d) which may be required to Deposit Account No. 13-3723.
- ☒ Please charge any additional fees associated with the prosecution of this application to Deposit Account No. 13-3723. This authorization includes the fee for any necessary extension of time under 37 CFR § 1.136(a). To the extent any such extension should become necessary, it is hereby requested.
- ☒ Please credit any overpayment to the same deposit account.

Respectfully submitted,

March 15, 2010

Date

B By: /Ted K. Ringsred/

Ted K. Ringsred, Reg. No.: 35,658

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Office of Intellectual Property Counsel
3M Innovative Properties Company
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